IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4393 OF 2004

M/s. Niwas Builders ... Petitioner

Vs.

The State of Maharasthra & Ors Respondents

Mr. G.S. Godbole for Petitioner.

Mr.R.M. Patne, A.G.P. for Respondent Nos.1 and 2.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : FEBRUARY 18, 2005

P.C.

. The Petitioner claims a right in the property for which exemption has been granted under the Urban Land Ceiling Act to Respondent Nos. 4 to 10. It is the case of the Petitioners that they had agreement with predecessor in title of Respondent Nos. 4 to 10 which is dated 23.10.1975. The exemption has been granted by order of 14.9.2001. It is further case of the Petitioner that he is in possession of the land pursuant to the agreement.

. At the hearing of this petition, on behalf of the Petitioners, various contentions has been sought to challenge the order of 14.9.2001. We find that as of today, apart from the purported agreement, the petitioner has no title in the land. In these circumstances, we do not find that the respondent authorities have committed any error of jurisdiction in not hearing the petitioner at the

time when exemption was granted. It is the case of the petitioners that he has filed a suit for specific performance. If the Petitioner succeeds in that suit, then perhaps it will be open to the petitioner to take such steps in law which he may be entitled to in the matter of exemption order dated 14.9.2001. At present the relief at the instance of petitioner cannot be considered.

Hence, petition disposed of.

(F.I. REBELLO,J.)

(S.P. KUKDAY,J.)